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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,026	11/07/2001	Hiroyuki Kishi	1506.1013	4741
21171	7590	09/07/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			HO, THOMAS Y	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,026

Applicant(s)

KISHI, HIROYUKI

Examiner

Thomas Y Ho

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2004.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

Claims 1-20 are currently pending. No claims have been withdrawn or cancelled.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/28/04 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-9, 11-14, and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Finsterwald US6039244.

As to claim 1, Finsterwald discloses, a purchase information collecting method for collecting information on a purchaser of one or more commodities using a network with a server apparatus, the method comprising: receiving a first sales information (code and any associated information), which identifies a deal of a first commodity, from a seller of the first commodity, wherein the first sales information is generated by the seller of the first commodity; storing the received first sales information in a first storing part (reference memory); receiving purchase

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information, which comprises personal information of a purchaser of a second commodity and a second sales information (col.3, ln.15-20), from the purchaser of the second commodity, wherein the second sales information is presented to the purchaser by a seller of the second commodity; judging whether the second sales information included in the received purchase information is stored in said first storing part (validity check); and if the second sales information is stored in the first storing part, storing the received purchase information as valid purchase information in a second storing part (coupon/rebate system).

As to claim 2, Finsterwald discloses, wherein the purchase information further comprises: first information (can be the till code, store code, place of production) for identifying the seller of the second commodity; second information (any part of the code that identifies the purchase; col.3, ln.1-6) for identifying a deal made by the seller of the second commodity; and third information (product specifications, price, etc., col.8, ln.15-24) for identifying the second commodity.

As to claim 3, Finsterwald discloses, wherein the second information included in the purchase information indicates a time order of deals (time of production or purchase) made by the seller of the second commodity identified with the first information.

As to claim 4, Finsterwald discloses, wherein the second information included in the purchase information further comprises information indicating a date of the deal (col.3, ln.1-5).

As to claim 6, Finsterwald discloses, further comprising transmitting to a computer operated by the purchaser a screen data (col.4, ln.13-30) that makes a browser program executed in the computer display a screen containing an input area for inputting the purchase information

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and an item for inputting an instruction to submit the purchase information in the input area to said server apparatus.

As to claim 7, Finsterwald discloses, a purchase information collecting program causing a computer capable of communicating with other computers to perform processing comprising: receiving a first sales information (a code and any additional associated data; col.3, ln. 1-5), which identifies a deal of a first commodity, from a seller of the first commodity, wherein the first sales information is generated by the seller of the first commodity; storing the received first sales information in a first storing part (the reference memory); receiving purchase information, which comprises personal information of a purchaser of a second commodity and a second sales information (col.5, ln. 10-20), from the purchaser of the second commodity, wherein the second sales information is presented to the purchaser by a seller (retailer or shop with POS or till) of the second commodity; and storing, when the second sales information included in the received purchase information is stored in said first storing part (validity checked), the received purchase information as valid purchase information in a second storing part.

As to claim 8, Finsterwald discloses, wherein the purchase information further comprises: first information (store code, till code, place of production, etc.) for identifying the seller of the second commodity; second information (data identifying the purchase) for identifying a deal made by the seller of the second commodity; and third information (any product specification data associated with the code) for identifying the second commodity (col.3, ln. 1-5).

As to claim 9, Finsterwald discloses, wherein the second information included in the purchase information indicates a time order of deals (time of production or time of sale; col.3, ln. 1-5) made by the seller of the second commodity identified with the first information.

As to claim 11, Finsterwald discloses, a purchase information collecting method for collecting a deal between a purchaser and a seller, comprising: receiving first deal identifying information from a seller; storing the first deal identifying information in a first storing part; receiving second deal identifying information and personal information from a purchaser; and comparing the second deal identifying information and the first deal identifying information stored in said first storing part.

As to claim 12, Finsterwald discloses, further comprising: storing, when an equal comparison is made, the second deal identifying information and the personal information in a second storing part (validity check).

As to claim 13, Finsterwald discloses, further comprising, judging, when an equal comparison is not made, whether the second deal identifying information falls in a range from a minimum identifying second information to a maximum second identifying information that are stored in the first storing part (when the code falls in the range or collection of incorrect codes, the system judges by declaring the code invalid; it should be noted that information is associated in the reference memory with the code).

As to claim 14, Finsterwald discloses, further comprising: storing, when it is judged that the second deal identifying information falls in the range, the second deal identifying information together with an identifier for invalid information in a second storing part.

As to claim 16, Finsterwald discloses, a purchase information collecting program causing a computer to perform processing comprising: receiving first deal identifying information from a seller; storing the first deal identifying information in a first storing part; receiving second deal identifying information and personal information from a purchaser; and comparing the second

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deal identifying information and the first deal identifying information stored in said first storing part.

As to claim 17, Finsterwald discloses, a purchase information collecting apparatus for collecting information on a deal between a purchaser and a seller, comprising: a unit that receives first deal identifying information from a seller; a unit that stores the first deal identifying information in a first storing part; a unit that receives second deal identifying information and personal information from a purchaser; and a unit that compares the second deal identifying information and the first deal identifying information stored in said first storing part.

As to claim 18, Finsterwald discloses, wherein the program causes the computer to perform processing further comprising: if the second deal identifying information is stored in the first storing part, storing the second deal identifying information and the personal information in a second storing part.

As to claim 19, Finsterwald discloses, further comprising: a unit that stores the second deal identifying information and the personal information in a second storing part if the second deal identifying information is stored in the first storing part.

As to claim 20, Finsterwald discloses, a method performed by a computing system of a commodity seller to obtain from an end purchaser personal information of the end purchaser, where the end purchaser has purchased, from a retailer, a commodity of the commodity seller at a retailer's point-of-sale (POS) system (the till is a POS system) that transacts retail sales to end purchasers of commodities that were previously purchased by the retailer from commodity sellers, the POS system generating corresponding electronic sale transactions (printing out codes), where an electronic sale transaction has information to allow identification of the

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transaction and a commodity sold to an end purchaser and a commodity seller from who the retailer purchased the commodity sold, the method comprising: at the computing system of the commodity seller, electronically receiving the electronic sales transactions (receiving and storing codes in the reference memory) corresponding to the commodities that the retailer previously purchased from the commodity seller (the commodity seller is the manufacturer who generates the original codes that the customer's code should match), electronically receiving, from an end purchaser's terminal (a PC), transaction information and personal information of the end purchaser entered at the terminal, where the transaction information is related to a commodity of the commodity seller that the end purchaser purchased from the retailer with the retailer's POS system, and then the computing system of the commodity seller, based on the transaction information received from the end purchaser and a corresponding received electronic sale transaction of the commodity, storing the end purchaser's personal information and information relating the personal information to information about the commodity purchased by the end purchaser.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 10, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finsterwald US6039244 in view of Tomida US6260026, and further in view of Naftzger US5924078.

As to claim 5, the difference between the claim and Finsterwald is the claim recites, further comprising: if the second sales information included in the received purchase information is not stored in said first storing part, extracting sales information containing the first information of the second sales information included in the purchase information from said first storing part and if the second information of the purchase information falls in a range from a minimum second information to a maximum second information that are contained in the extracted sales information, storing the purchase information as invalid purchase information in the second storing part.

Tomida discloses a code checking system similar to that of Finsterwald. In addition, Tomida further teaches extracting information from a first storing part 104. It would have been obvious to one of ordinary skill in the art, having the disclosures of Finsterwald and Tomida before him at the time the invention was made, to modify the system of Finsterwald to be able to extract information from the first storing part, as taught by Tomida. One would have been motivated to make such a combination because the ability to check the reliability of transmitted information as a countermeasure would have been achieved, as taught by Tomida (col.7, ln.34-45).

Naftzger discloses a promotional code system similar to that of Finsterwald. In addition, Naftzger further teaches that when the information identifying a deal falls in a range from a minimum (the minimum can be the threshold value in box 83) to a maximum, rejecting the code as invalid. It would have been obvious to one of ordinary skill in the art, having the disclosures of Finsterwald and Naftzger before him at the time the invention was made, to modify the system of Finsterwald to have the ranges for the second information, as in Naftzger. One would have

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been motivated to make such a combination because the ability to limit discounts would have been achieved, as taught by Naftzger.

As to claim 10, Tomida teaches, wherein said processing further comprises, extracting, when the second sales information included in the received purchase information is not stored, sales information containing the first information of the purchase information from said first storing part.

Naftzger teaches, storing, if the second information of the purchase information falls in a range from a minimum second information to a maximum second information that are contained in the extracted sales information, the purchase information as invalid purchase information in the second storing part (stored in 82); and storing, if the second information of the purchase information does not fall in the range (not in the range corresponds to less than the maximum allotted promotional codes in 83), the purchase information as unidentified-validness purchase information in the second storing part (stored in 92; the information is not valid unless the other requirements in 92 are also satisfied).

As to claim 15, Naftzger teaches, further comprising: storing, when it is judged that the second deal identifying information does not fall in the range (the range being greater than or equal to the maximum value), the second deal identifying information together with an identifier for information whose validness is not identified (stored in 92).

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


US6251017 to Leason discloses a game or lottery with a reward validated and/or redeemed online.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TYH


ROBERT J. SANDY
PRIMARY EXAMINER